

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL S. JOHNSON, DONNA DYMKOWSKI,
PATRICIA LONG-CORREA, ANTONIO
SAMUEL, VINCENT HALL, ANGELETTE
WATERS, Individually, and on behalf of the Class,

Civil Action No. 1:07- CV-8473

Plaintiffs,

-against-

NEXTEL COMMUNICATIONS, INC., a Delaware
Corporation, LEEDS, MORELLI & BROWN, P.C.,
LENARD LEEDS, STEVEN A. MORELLI,
JEFFREY K. BROWN, JAMES VAGNINI,
FREDERIC DAVID OSTROVE, BRYAN
MAZOLLA, SUSAN FITZGERALD, and JOHN and
JANE DOES 1-10, (a fictitious designation for
presently unknown Defendants),

Defendants.

**DECLARATION OF ROBERT W.
STEINMETZ, ESQ. IN SUPPORT
OF MOTION FOR APPEARANCE
PRO HAC VICE PURSUANT TO
LOCAL RULE 1.3(C)**

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I, **ROBERT W. STEINMETZ, ESQ.**, pursuant to 28 U.S.C. § 1746 hereby

declare the following:

1. I am an attorney-at-law, admitted to practice in the States of Wisconsin and Colorado, and an Associate with the law firm of McConnell, Siderius, Fleischer, Houghtaling & Craigmile, LLC, which is located at the Denver Corporate Center, Tower I, 4700 S. Syracuse, Suite 200, Denver, Colorado.

2. I have been admitted to practice in the State of Wisconsin since 2002; the State of Colorado since 2003; the U.S. District Court for the District of Colorado since 2005; and the U.S. Tenth Circuit Court of Appeals since 2005. I have not been denied admission to, nor have I been subject to formal discipline by any Court. I further certify that I am currently in good standing with these bars admissions.

3. This Declaration is submitted in support of my application for *pro hac vice* admission before this Court.

4. Rivkin Radler LLP, with offices located at 926 RexCorp Plaza, Uniondale, New York 11556, is currently counsel of record in this matter, and agrees to continue to serve as local counsel on behalf of defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq., Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq. pursuant to Local Rule 1-3(c), and to comply with all Rules of Practice set forth under both the Federal Rules of Civil Procedure, and the Local Civil Rules of the United States District Court for the Southern District of New York.

5. My Firm currently represents defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq., Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq. I have therefore developed expertise in litigating the precise issues arising from and related to this case. I have also become familiar with the policies, procedures and legal positions of defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq., Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq.

6. This case is a purported class action. As against defendants Leeds, Morelli & Brown, P.C., Lenard Leeds, Esq., Steven Morelli, Esq. and Jeffrey K. Brown, Esq., Plaintiffs seek certification of sub-class comprised of those persons who timely requested exclusion from a class action filed against these same defendants in the State of Colorado. My firm was counsel of record in the Colorado class action lawsuit from which the sub-class asserting claims against Leeds, Morelli & Brown, P.C. requested exclusion. That matter is captioned Foster, et al. v. Leeds, Morelli & Brown, P.C., et al., Case No. 2002CV1484, Arapahoe County District Court, State of Colorado.

7. The Foster class action case was settled pursuant to the C.R.C.P. 23.1 fairness approval process. A final order approving that settlement was entered. In that Order, the Colorado District Court released all claims asserted by 548 of the 587 claimants against Leeds, Morelli & Brown, P.C., Lenard Leeds, Esq., Steven Morelli, Esq. and Jeffrey K. Brown, Esq. The Colorado class action case was based upon the identical underlying matter as the case at bar.

8. Subsequently, I participated in defending a lawsuit filed by two purported class members who requested timely exclusion from the Colorado class action and who are also purported members of the putative sub-class in the case at bar. That matter is captioned McNeil, et al. v. Leeds, Morelli & Brown, et al., Denver District Court, State of Colorado, Case No. 2003CV893. The McNeil matter had been pending for 4½ years and was tried before a jury resulting in a defendants' verdict. The issues in McNeil were substantially identical to those claims asserted against in this matter.

9. As a result of my representation of Leeds, Morelli & Brown, et al. in the Colorado class action and the case filed by two claimants who opted out of the Colorado class action (who are members of the purported sub-class in the case at bar), we have acquired substantial knowledge concerning the facts and legal issues involved in this case.

10. My practice focuses on general litigation, including the defense of professional liability matters. In that capacity I have developed an expertise in handling legal malpractice matters similar to the case at bar.

11. Defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq., Steven A. Morelli, Esq., and Jeffrey K. Brown, Esq. have requested that I represent them in this

action, and perform all services and functions as required under the Federal Rules of Civil Procedure, and the Local Civil Rules of the United States District Court for the Southern District of New York.

12. I shall abide by the Federal Rules of Civil Procedure, and the Local Civil Rules of the United States District Court for the Southern District of New York, including all disciplinary rules.

13. I shall notify the Court immediately of any matter affecting my standing with the bar of any other Court.

I declare under penalties of perjury, that the foregoing is true and accurate.

Dated: November 15, 2007

By: /s/ Robert W. Steinmetz
ROBERT W. STEINMETZ, ESQ.